

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 264

This is an advisory opinion in response to your letter requesting guidance from the Ethics Commission in regard to the part-time employment in the private sector of a City employee ("A").

The Commission understands the facts relative to your inquiry to be as follows:

A is a sanitary chemist in the Department of Wastewater Management [WWM].

A works in the area of compliance monitoring for pollutants.

In addition to A's full-time City position, A works part-time for a private company ("XYZ"). During the current fiscal year, WWM has contracted with XYZ to conduct analyses of effluent. XYZ reports its results directly to the Treatment and Disposal Division of WWM.

XYZ has many contracts, and its volume is approximately 100 times that of the City's Toxics Laboratory. The work at XYZ is handled in an assembly-line fashion, with each person responsible for only one specific task in the process.

At XYZ, A analyzes anonymous coded prepared samples without knowing whether they are water, soil, paint, or some other substance. A has no access to the roster of clients, nor does A make evaluations or reports of the tests.

The ethical question presented is whether A's part-time employment with XYZ, which has a contract to perform analyses for the WWM, creates a conflict of interest with A's City position in the WWM.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(c), which states in pertinent part:

No elected or appointed officer or employee shall... [e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that there is no conflict of interest between A's position with the City and A's part-time employment in the private sector. When working for XYZ, A cannot tell which samples are from the City and which are from other contracts. She prepares no reports or evaluations for XYZ. A's part-time employment with XYZ is neither incompatible with the proper discharge of A's City duties nor should it tend to impair A's independence of judgment in performing A's City duties.

Dated: December 20, 1995

SAMUEL L. DOMINGO  
Chair, Ethics Commission